Ertel, Jason R. S/N: 10/711,759

REMARKS

Claims 1-26 are pending in the present application. In the Office Action mailed May 14, 2009, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Maydanich (USP 6,370,881).

Claims 16-26 are allowed. Claims 4-15 were indicated as containing allowable subject matter. Such indication is appreciated.

Claim Rejections under 35 U.S.C. §102(b)

As noted above, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Maydanich. The Examiner alleged that Maydanich "discloses an X-ray cooling device comprising: an X-ray apparatus (14), a x-ray detector (22), a cooling system for maintaining a desired temperature (50), x-ray imager (52), a remote storage device (30) and a cooling device (58), and furthermore discloses a thermoelectric heat pump (130)." Office Action, May 14, 2009, p. 2. Applicant's claim 1, on the other hand, calls for, in part, an x-ray detector storage device comprising "a storage bin sized to store at least one x-ray detector." See Claim 1, (emphasis added). While the Examiner failed to specifically address the limitations of claim 1, the Examiner alleged that Maydanich teaches a "remote storage device (30)". However, the storage device 30 of Maydanich is an image storage device. Maydanich states that "[t]he processed image then is displayed on a video monitor 32 and may be archived in an image storing device 30." Maydanich, Col. 2, Ins. 20-22. Clearly, one of ordinary skill in the art would recognize that image storing device 30 of Maydanich is not at all related to "a storage bin sized to store at least one x-ray detector," as is called for in claim 1. That is, one of ordinary skill in the art would readily recognize that image storage device 30 is a computer readable storage medium, e.g. a hard drive, on which image data is stored. An x-ray detector (or more than one x-ray detector) cannot be stored on such an image storage device. Accordingly, Applicant believes that the Maydanich reference cannot be shown to teach or suggest each and every limitation called for in claim 1, as is required to reject the claim under 35 U.S.C. §102(b). As such, Applicant believes that the rejection to claim 1 must be withdrawn, along with the rejections to dependent claims 2 and 3.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-26.

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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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Dated: July 13, 2009

Attorney Docket No.: GEMS8081.237

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

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